

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BROC T. WALTERMEYER,

Defendant.

8:02CR287

ORDER

Defendant Broc T. Waltermeyer (Waltermeyer) appeared before the court on October 10, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 73). Waltermeyer was represented by Glenn A. Shapiro and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. Through his counsel, Waltermeyer waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Waltermeyer should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp. The government moved for detention. Waltermeyer requested a detention hearing which was scheduled for October 17, 2012.

Waltermeyer appeared before the court on October 17, 2012, and was represented by Glenn A. Shapiro and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. The court heard the testimony of U.S. Probation Officer Travis Wilcoxon and received into evidence an Omaha Police Department incident report (Exhibit 1). Since it is Waltermeyer's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Waltermeyer has failed to carry his burden and that Waltermeyer should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:30 a.m. on November 1, 2012.** Defendant must be present in person.

2. Defendant Broc T. Waltermeyer is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 17th day of October, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge